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| Joshua Brandon Phillips, |) | |
| #335243, |) | |
| |) | C.A. No. 9:18-2066-HMH-BM |
| Petitioner, |) | |
| |) | |
| vs. |) | OPINION & ORDER |
| |) | |
| Warden of Turbeville |) | |
| Correctional Institution, |) | |
| |) | |
| Respondent. |) | |

199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Marchant’s Report and Recommendation and incorporates it herein. It is therefore

ORDERED that Respondent’s motion for summary judgment, docket number 14, is granted. It is further

ORDERED that Petitioner’s motion for summary judgment, docket number 19, is denied, and the petition, docket number 1, is dismissed with prejudice. It is further

ORDERED that a certificate of appealability is denied because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
January 29, 2019

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.